

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

ARTHUR FIRSTENBERG,

Plaintiff,

vs.

11-CV-08 JAP/WDS

**CITY OF SANTA FE, NEW MEXICO and
AT&T MOBILITY SERVICES, LLC.**


Defendants.

**ORDER VACATING JUDGMENT
AND REMANDING TO STATE COURT**

In accordance with the ruling and mandate issued by the Tenth Circuit Court of Appeals in which the Tenth Circuit Court of Appeals determined that this Court does not have subject matter jurisdiction over Plaintiff Arthur Firstenberg's *pro se* Second Amended Petition for Writ of Mandamus because Plaintiff failed to articulate a claim arising under federal law within the meaning of 28 U.S.C. § 1331, the Court will vacate the AMENDED MEMORANDUM OPINION AND ORDER (Doc. No. 49) and the ORDER OF DISMISSAL OF CLAIMS AGAINST THE CITY OF SANTA FE (Doc. No. 53). Also in accordance with the ruling and mandate of the Tenth Circuit Court of Appeals, the Court will remand the case to the First Judicial District Court, Santa Fe County, New Mexico.

IT IS ORDERED that the AMENDED MEMORANDUM OPINION AND ORDER (Doc. No. 49) and the ORDER OF DISMISSAL OF CLAIMS AGAINST THE CITY OF SANTA FE (Doc. No. 53) are vacated;

FURTHER ORDERED that this case is remanded to the First Judicial District Court,
Santa Fe County, New Mexico.



SENIOR UNITED STATES DISTRICT JUDGE